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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,590	06/18/2001	Renee Frengut	3313/0I334	1985
7590	06/03/2005		EXAMINER	
DANIEL S. POLLEY , P.A.. DANIEL S. POLLEY , ESQ. 1215 EAST BROWARD BOULEVARD FORT LAUDERDALE, FL 33301			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/883,590	FRENGUT, RENEE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 April 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5,7,10,12-18,21,22,24-26 and 32-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,5,7,10,12-18,21,22,24-26 and 32-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 4, 2005 has been entered.
2. Claims 1, 5, 7, 10, 12-18, 21, 22, 24, 25, and 33-35 have been amended. Claim 11 has been canceled. Claims 40 and 41 have been added. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, and 32-41 are pending.
3. The previously pending rejection to claim 11 under 35 USC 112, second paragraph, has been withdrawn, since the claim has been canceled.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

5. Claims 12, 13, 16, 18, 21, 22, 24-26, 36, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al (USPN 6,256,663).

As per claim 12, Ludwig et al discloses method for conducting a live study from a host machine over a distributed network (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), comprising, the steps of: selecting a set of candidates to participate in a live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67), inviting the set of candidates to the market research study conducted during a predetermined time interval and conducted over a distributed network (i.e., multi-party conference wherein participants invited by selection at the time of the conference, column 24, lines 58-67), wherein the candidates access the host and/or each other using a respective user machine interface having live audio/video two-way image and communication mechanism connected thereto (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19), wherein each user machine is located geographically remote from the host (i.e., real-time audio/video/data communication via WAN, column 10, lines 18-21), initiating live two-way audio communication and video images between and among the host and/or the geographically remote user machines with at least a set of participants comprising a first portion of the set of candidates, during the predetermined time interval in substantially real time (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36); exhibiting over the distributed network a stimulus to the participants (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31); and accumulating

live participant images and responses to the stimulus over the distributed network at the host (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

As per claim 13, Ludwig et al discloses verifying a presence of each participant throughout the live study (e.g., live video image of participants, column 6, lines 58-60).

As per claim 16, Ludwig et al discloses the additional step of selecting groups of participants for a predetermined stimulus, wherein the predetermined stimulus is shown to the participant group (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 18, Ludwig et al discloses the additional step of tabulating results of the live study (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Claim 21 is rejected based upon the rejection to claim 12, since it is the system claim corresponding to the method claim.

As per claim 22, Ludwig et al discloses a sponsoring client device having distributed network access wherein a sponsoring client accessing the live study at a given time observes the submitted moderator stimuli, the submitted user responses and audio/video two-way communications between and among one or more users

and the moderator (i.e., the expert is engaged in a videoconference with a field representative 201 and client 202, wherein the field representative shares a graphical image 210, column 36, lines 35-42).

As per claim 24, Ludwig et al disclose a user working from the user device observes a live audiovisual image of the user (i.e., audio/video received by a CMW 12 includes video images of participants, column 6, lines 40-44).

As per claims 25-26, Ludwig et al discloses a user working from the user device conducts live two-way audiovisual communications with one or more users (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), and observes a set of submitted participant responses (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 36, Ludwig et al discloses a number of candidates selected being fewer than all candidates available for selection (i.e., participants selected by collaboration initiator from group of all CMW users in initiator's rolodex, column 24, lines 45-52).

As per claims 38-39, Ludwig et al discloses a distributed computer network (WAN 15, figure 1).

As per claim 40, Ludwig et al discloses a medium for storing accumulated recordings of the live audio and video communications between and among the moderator and other users, a processor for evaluating user responses, and an engine outputting results based on the user responses (e.g., audio/video and data of

the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

***Claim Rejections - 35 USC § 103***

6. Claims 1, 7, 10, 15, 17, 32-35, 37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,256,663), in view of Davis (USPN 6,256,663).

As per claim 1, Ludwig et al discloses a method for conducting a live study (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60) over a distributed network with one or more participants (i.e., real-time audio/video/data communication via WAN, column 10, lines 18-21), said method, comprising, the steps of: (a) selecting one or more participants for a live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67); (c) providing each of said one or more participants and said moderator with an audio/video capture mechanism (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19) that is connectable to a machine that permits live audiovisual two-way images and communication across a distributed computer network (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36) and capturing audiovisual two way communications between and among the participants and between and among the participants and the moderator (i.e., signals received include video images and audio of associated participants, column

6, lines 40-44); (d) conducting a live study over the distributed network by capturing live video images of the participants and moderator and live audio communications between and among the participants (i.e., real-time audio/video images of participants in conference, column 6, lines 41-44) and the moderator based on questions asked or stimuli shown to the participants over the distributed network (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31). Ludwig et al does not explicitly disclose (b) selecting a moderator for conducting the live study. Davis discloses conducting focus group discussions including a moderator computer interface 344 (figure 1). Both Ludwig et al and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

As per claim 7, Ludwig et al disclose displaying a stimulus to the participants across the distributed network and, receiving one or more participant responses to the stimulus across the distributed network (e.g., any participant can point at or annotate the shared data, column 9, lines 28-31).

As per claims 10 and 15, Ludwig et al does not explicitly disclose the additional step of officiating a follow-up interview with a participant, wherein the moderator displays additional stimulus and receives additional participant response in response

to the additional stimulus. Davis discloses that the moderator provides additional questions and/or information provided to the respondent (column 6, lines 63-67). Both Ludwig et al and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator displays additional stimuli in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

As per claim 17, Ludwig et al does not explicitly disclose the additional step of dynamically selecting a particular stimulus for transmission over the distributed network to the participants in response to prior participant responses. Davis discloses that a client may modify or alter the direction of the focus group or suggest additional stimuli (column 6, lines 61-65). Both Ludwig et al and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

As per claim 32, Ludwig et al discloses said participants are selected from a group of candidates (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67).

As per claim 33, Ludwig et al discloses transmitting the audiovisual live study to a client (i.e., client 202 is a participant in the videoconference, column 36, lines 35-38).

As per claim 34, Ludwig et al discloses transmitting is a substantially real time transmission of the live study over the distributed network to a client's device in communication with the distributed network (i.e., client 202 is a participant in the videoconference, column 36, lines 35-38).

As per claim 35, Ludwig et al discloses recording an audiovisual record of the live study and delivering the audiovisual record to the client (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

As per claim 37, Ludwig et al discloses a distributed computer network (WAN 15, figure 1).

Claim 41 is rejected based upon the rejection of claim 1, since it contains the same limitations, therein.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,256,663), in view of Davis (USPN 6,256,663) as applied to claim 1, in further view of Thomas (US 2002/0002482).

As per claim 5, neither Ludwig et al nor Davis disclose paying each participant a first sum for participating in the live study; and, paying a non-selected remainder portion of the candidates a second sum which is less in monetary amount than the

first sum. Thomas discloses offering incentives to registered participants, including money (¶ 0029), wherein non-registered participants would not receive any incentive (i.e., money), which is less than what registered participants would receive. Ludwig et al, Davis, and Thomas are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include incentives for the respondents in Ludwig et al, thereby making participation more attractive to the plurality of potential respondents.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,256,663), in view of view of Thomas (US 2002/0002482).

As per claim 14, Ludwig et al does not disclose paying each participant a first sum for participating in the live study; and, paying a non-selected remainder portion of the candidates a second sum which is less in monetary amount than the first sum. Thomas discloses offering incentives to registered participants, including money (¶ 0029), wherein non-registered participants would not receive any incentive (i.e., money), which is less than what registered participants would receive. Both Ludwig et al and Thomas are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include incentives for the respondents in Ludwig et al, thereby making participation more attractive to the plurality of potential respondents.

***Response to Arguments***

9. In the Remarks, Applicant argues that Davis fails to disclose conducting a live study over a distributed network. The Examiner submits that Applicant's arguments are moot in view of the new grounds of rejection, as seen above.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*adb*  
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May 31, 2005

*Susanna Diaz*  
SUSANNA M. DIAZ  
PRIMARY EXAMINER

*AU 3623*